(11)
CF Rs 2300/-

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

(C.G.)

W.P. No. 3868 /2003

PETITIONER

1. Santosh Mishra
Aged about 20 years
S/O Late Shri Shravan Kumar Mishra,
Jabdapara, Sarkanda
Bilaspur(Chhattisgarh)

2. Uttam Kumar Jaiswal
Aged about 20 years
S/O Late Shri K.L. Jaiswal,
R/O H-2/6, Nutan Colony
Sarkanda, Bilaspur
(Chhattisgarh)

3. Yogesh Pandey
Aged about 23 years
S/O Mahavirsharan Pandey,
R/O Hanuman Chowk, Gharghoda, Distt. Raigarh (Chhattisgarh).

4. Laxmi Narayan Kulmitra
Aged about 21 years
S/O Late Shri Rajaram Kulmitra
R/O Behind Police Station, Lormi
District Bilaspur
(Chhattisgarh)

P. R. No. 3868/03
Presented by Shri Sandeep Dubey
dated 21-11-03

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21/11/13
Clerk to A. G. Bilaspur

20/11/13

(2) 12

5. Rajesh Rajput
Aged about 26 years
S/O Late Smt. Kumari Devi Rajput
R/O Near Cooperative Bank, Bilha
District Bilaspur (Chhattisgarh)

6. Pawan Yadav
Aged about 30 years
S/O Late Shri Jagdish Prasad Yadav,
R/O Station Para Bilha
Post Bilha
District Bilaspur (Chhattisgarh)

7. Sanjay Sharma
Aged about 33 years
S/O Late Shri G.P. Sharma,
R/O Masanganj, Idgah Road, Bilaspur (Chhattisgarh)

8. Sheetal Prasad Rajak
Aged about 25 years
S/O Late Shri Chhedilal Rajak,
R/O Vill.&Post Mangla
District Bilaspur (Chhattisgarh)

9. Anirudha Jaiswal
Aged about 35 years
S/O Chherkuram Jaiswal
R/O Vill. Dhaurabhata
Post Kargi Road (Kota)

कार्यपालन अधिकारी एस.के. शुक्ला बिलासपुर (छ.ग.) बिलासपुर तहसील क्रमांक

(3) 13

District Bilaspur
(Chhattisgarh)

10. Saurabh Pandey
Aged about 20 years
S/O Dayashankar Pandey
R/O Milan Chowk,
Kududand, Bilaspur
(Chhattisgarh)

11. Smt. Gauri Jana
W/O Late Shri A.K. Jana
Aged about 40 years
R/O Behind Indraprastha
Bhawan, Seepat Road
Sarkanda, Bilaspur
(Chhattisgarh)

12. Abdul Gaffur Khan
Aged about 19 years
S/O Late Shri Abdul
Sattar Khan,
R/O Nausad Silai Centre
Behind Sharda Bhawan
Talapara, Bilaspur
(Chhattisgarh)

13. Anil Kumar Bunkar
Aged about 36 years
S/O Late Shri
D.P.Bunkar,
R/O Milan Chowk, Mangla
Road, Kududand,
Bilaspur (Chhattisgarh)

14. Vikram Singh Sikarwar
Aged about 30 years
S/O Dwarika Prasad
Sikarwar,

(14) (4)

R/O Vill. & Post Pipartarai, Via Ganiyari District Bilaspur (Chhattisgarh)

15. Rekha Verma
Aged about 28 years
D/O Late Shri Ramawatar Verma,
R/O Vill. Bidbida
Tahsil Mungeli
Distt. Bilaspur (C.G.)

16. Nagendra Dewangan
Aged about 35 years
S/o Late D.L. Dewangan
R/o Juna Bilaspur
Distt. Bilaspur (C.G.)

17. Umesh Tiwari
aged about 22 years
S/O Late Shri R.K. Tiwari, R/O Near Jyoti Provision Store,
Vikas Nagar, 27 Kholi,
Bilaspur (Chhattisgarh)

18. Sanjay Pille
Aged about 23 years
S/O Late Shri Ram Chandra Pille
R/O Katiyapara, Shiv Chowk, Kalyan Bada,
Juna Bilaspur
(Chhattisgarh)

19. Yogesh Kaushik
aged about 21 years
S/O Late Shri Panchram

(15)

(5)

Kaushik, R/O Vill. Pand
Post Saida
Tahsil Takhatpur
Distt. Bilaspur (C.G.)

20. Om Prakash Thakur
Aged about 22 years
S/o Late D.S. Thakur
R/o Shiv Chowk,
Kududand,
Bilaspur (C.G.)

21. Dheeraj Kumar Soni
aged about 21 years
S/O Late Shri Jaikaran
Soni, R/O Mangli Sonar
Gali, Munnulal Shukla
Road, Gondpara,Bilaspur
(Chhattisgarh)

22. Sunil Kumar Mushre
Aged about 27 years
S/o Late Shankarlal
Mushre, R/o Mangla
Chowk, Theypa Niwas
Bilaspur (C.G.)

23. Gajendra Gautam
Aged about 28 years
S/O Late Shri Rampratap
Gautam
R/O C/O Gautam Maharaj
Near Milan Chowk,
Kududand, Bilaspur
(Chhattisgarh)

VERSUS

(16) (6)

RESPONDENTS

1. State of Chhattisgarh
Through the Principal
Secretary
Department of General
Administration,
Mantralaya, DKS Bhawan
Raipur (Chhattisgarh)

2. State of Madhya Pradesh
Through the Principal
Secretary
Department of General
Administration,
Vallabh Bhawan, Bhopal
(Madhya Pradesh)

Mtd
Sd/-
AR(P)
Amended as per Court order dt. 31/8/2004.

PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRITS OF CERTIORARI AND MANDAMUS AND FOR FURTHER APPROPRIATE WRITS AND DIRECTIONS: -

13/9/04

3. Union of India,
Through- The Secretary Department/
Ministry of the Power, New Delhi.

(215)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

WRIT PETITION NO. 3868 OF 2003

Petitioners : Santosh Mishra & others

Versus

Respondents : State of Chhattisgarh & another

Present: Shri Jitendra Pali, counsel for the petitioners.
Shri Alok Bakshi, Govt. Advocate for the respondents /State.

ORAL ORDER

(31st January, 2006)

1. This petition was filed by 23 petitioners. The petitioners No. 1, 5, 8, 10 and 19 have filed interlocutory application No. 1556/2006 for withdrawal of this petition on their behalf. The application is allowed. This petition in respect of the above petitioners is permitted as withdrawn.

3. Learned counsel for the remaining petitioners submits that fathers of respective petitioners died in harness while working in various departments of the State Government. The petitioners being son and dependant of the respective government servant have filed application for consideration of their names for compassionate appointment, but the cases of the petitioners have not yet been considered by the respondents. The particulars of name of the petitioner, name of the father, date of death, post and the department in which

they were working are being mentioned herein below for the shake of convenience :-

Sr.No.	Name of the Petitioners	Father's name of the Petitioners	Died on	Working in the department
2.	Uttam Kumar Jaiswal	Late K.L. Jaiswal	11.5.2000	Clerk (Assistant Grade III) Irrigation Department Hasdeo Kachhar
3.	Yogesh Pandey	Late Mahavirsharan Pandey	9.3.1998	Booking Agent (Assistant Grade III) State Transport Corporation
4.	Laxmi Narayan Kulmitra	Late Rajaram Kulmitra	26.4.2000	Upper Division Teacher Govt. Boy Higher Secondary School, Lormi Education Department.
6.	Pawan Yadav	Late Jagdish Prasad Yadav	11.3.1999	Assistant Regional Veterinary Officer, Directorate Veterinary Health Services
7.	Sanjay Sharma	Late G.P. Sharma	8.11.1998	Registrar, Cooperative Societies
9.	Anirudha Jaiswal	Late Chherkuram Jaiswal	19.10.2000	Upper Division Teacher, Education Department
11.	Smt. Gauri Jana	Late A.K. Jana	31.8.1999	Chief Draftsman Water Resources Department
12.	Abdul Gaffur Khan	Late Abdul Sattar Khan	14.7.1998	Assistant Grade III, (LDC), Water Resources Department
13.	Anil Kumar Bunkar	Late D.P. Bunkar	18.1.1998	First Division Clerk Public Works Department

14.	Vikram Singh Sikarwar	Late Dwarika Prasad Sikarwar	14.10.2000	Head Master, Education Department
15.	Rekha Verma	Late Shri Ramawatar Verma	2.6.1999	Assistant Teacher, Education Department
16.	Nagendra Dewangan	Late D.L. Dewangan	23.6.2000	Accountant Education Department
17.	Umesh Tiwari	Late R.K. Tiwari	25.10.1998	Assistant Grade III, Forest Department
18.	Sanjay Pille	Late Ram Chandra Pille	19.7.1998	Conductor Grade II, Tele Communication Repair Division C.G.
20.	Om Prakah Thakur	Late D.S. Thakur	18.2.2000	Chhattisgarh State Electricity Board
21.	Dheeraj Kumar Soni	Late Jaikaran Soni	3.2.1999	Assistant Grade III Office of the Collector, Bilaspur
22.	Sunil Kumar Mushre	Late Shankarlal Mushre	26.3.2000	Surveyor Office of Assistant Land Conservation Officer
23.	Gajendra Gautam	Late Rampratap Gautam	8.10.2000	Accountant Forest Department

2. Learned counsel for the petitioners submits that several petitions of identical nature for appointment on compassionate basis were considered by this Court and they have been decided by order dated 28th December, 2005 wherein this Court passed the following order:-

> "5. So far as the present cases are concerned, learned Dy. Advocate Generals made a statement that the State of Chhattisgarh has taken a decision to consider the cases three years prior to reorganization i.e. those State employees whose death occurred on or

after 1.11.1997 and strictly in accordance with the policy prevalent at the time of death of an employee. This statement is recorded.

6. Learned counsel appearing for the respective petitioners in the bunch of cases categorically stated that in each and every case the death of the employee has occurred on or after 1.11.1997 and not earlier. Learned counsel further submitted that their cases may be considered and decision may be taken at the earliest. They also submitted that the petitioners will render due cooperation to the authorities. This statement is also recorded.

7. Learned counsel for the State submit that in every petition three sets have been filed by the petitioners; in some cases extra sets are required by them which may be allowed to be taken by them from the Court record. The State counsel may take the extra sets from the office wherever they require. They also pray for three months time to decide the cases of the petitioners.

8. In view of the submissions made by learned counsel appearing for the parties, without expressing any opinion on the merits of the case, in the opinion of this Court ends of justice will be served if a direction is given to the State and the authorities concerned to consider and decide the cases of the petitioners' dependents of the employees who died on 1.11.1997 and thereafter in accordance with the policy which was in force at the time of death of the employee. Each and every individual case will be decided and if the person found eligible, appointment orders will be issued as early as possible on or before 30th April, 2006. The petitioners are also directed to render due cooperation to the authorities. It is made clear that if any grievance still remains, the petitioners may avail the remedy available under the law including filing of the petition before this Court.

9. Subject to the aforesaid directions and observations, all these petitions stand disposed of with the aforesaid liberty.

10. Consequently, pending applications, if any, also stand disposed of, in some cases applications seeking formal amendments regarding correction of cause title etc. have been filed. They are allowed. The amendment be incorporated and the corrections if any be made."

3. The facts of the present case are admittedly squarely covered by the judgment and order dated 20.12.2005 passed by this Court in W.P. No. 731/2004 (Dumedra Singh Pisda Vs. State of Chhattisgarh & others) and other connected matters.

4. In view of the foregoing, the present petition is accordingly allowed in terms of the order passed in W.P. No. 731/2004. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu